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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,062	09/19/2006	Glen E. Southard	2087-1331	3680
26085	7590	09/14/2009	EXAMINER	
THE JOHNS HOPKINS UNIVERSITY APPLIED PHYSICS LABORATORY OFFICE OF PATENT COUNSEL 11100 JOHNS HOPKINS ROAD MAIL STOP 7-156 LAUREL, MD 20723-6099			TESKIN, FRED M	
		ART UNIT	PAPER NUMBER	
		1796		
		NOTIFICATION DATE		DELIVERY MODE
		09/14/2009		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOComm@jhuapl.edu

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,062	<b>Applicant(s)</b> SOUTHARD ET AL.
	<b>Examiner</b> Fred M. Teskin	<b>Art Unit</b> 1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-8 and 10-45 is/are allowed.  
 6) Claim(s) 9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/1648)  
 Paper No(s)/Mail Date 20060919
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**Detailed Action**

This action is responsive to application filed 19 September 2006. Claims 1-45 are currently pending and under examination.

**Objection**

The abstract of the disclosure is objected to because of obvious clerical errors in the second sentence thereof (i.e., both occurrences of "?3#191" ). Correction is required. See MPEP § 608.01(b).

**Rejection**

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 provides the limitation to "the dithiocarboxylic ester". There is no proper and sufficient antecedent basis for this limitation in the claim or in any claim from which claim 9 currently depends. Claim dependency appears to be incorrect (*cf.*, claim 8).

**Allowable Subject Matter**

Claims 1-8 and 10-45 are allowable on the present record. Claim 9 would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. 112 set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The limitation to a lanthanide complex wherein the ligand L is a β-diketone ligand containing the same or different chain transfer moiety as a reactant in preparing a molecularly imprinted polymer according to applicants' claim 1 and in providing a polymer according to applicants' claims 23 and 34 distinguishes the pending claims over the closest prior art to Murray (US 6749811). Murray discloses molecularly imprinted polymers comprising chelated lanthanides as well as β-diketone ligating molecules (Example 2), but nowhere teaches or suggests the inclusion of a chain transfer moiety in the β-diketone ligand. Nor has examiner found any analogous art disclosing such a ligand moiety in a context that would have rendered obvious to one of ordinary skill in the art its use as the chelating ligand of Murray.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred M Teskin/

Primary Examiner, Art Unit 1796

FMTeskin/09-08-09